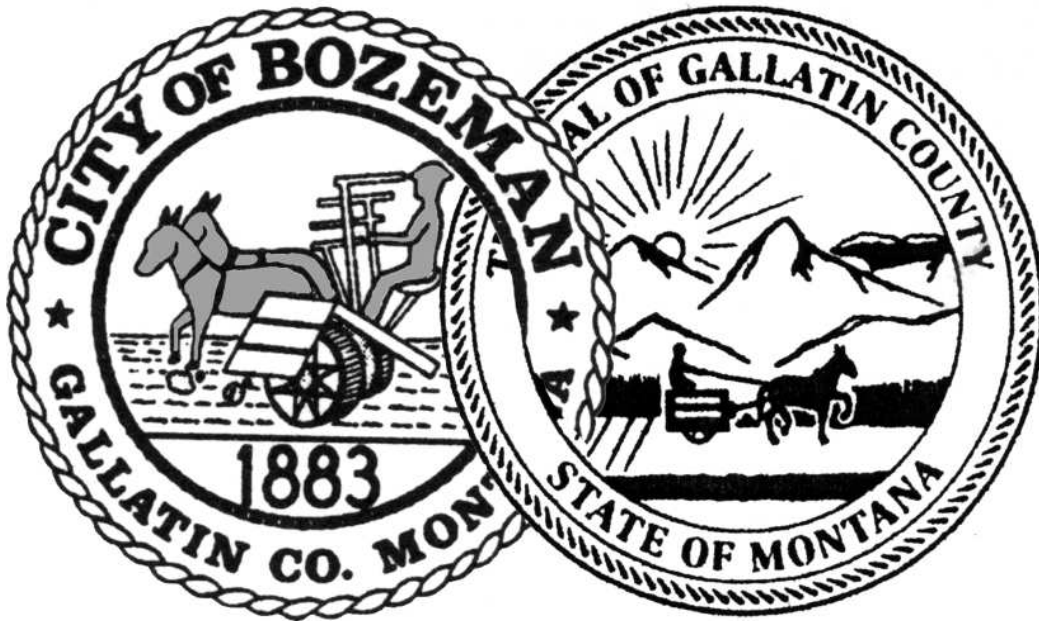


Gallatin City-County Health Code
Chapter 3



**Regulations for
Wastewater Treatment Systems**

**Gallatin City-County Health Department
Environmental Health Services**

Effective June 27, 2004

\$3.00

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SECTION 1 INTRODUCTION

1.0 Purpose of Regulations.

- A) The Gallatin City-County Board of Health (Board) recognizes the importance of the proper treatment and disposal of wastewater. Diseases such as dysentery, infectious hepatitis, typhoid, paratyphoid, and various types of diarrheal infections are transmitted through fecal contamination of food and water. Improper treatment and disposal of wastewater plays an important role in the transmission of these diseases. Wastewater also contains many chemicals which can adversely affect drinking water quality if disposed of improperly. Every effort should be made to prevent such hazards. Proper treatment and disposal of wastewater is essential for preventing disease and protecting drinking water.
- B) Safe treatment and disposal of all wastewater is necessary to protect public health and the environment and to prevent disease. Therefore, wastewater must be treated and disposed of so that it will not:
 - 1) Contaminate any existing or future drinking water supply.
 - 2) Pollute or contaminate any surface or groundwater.
 - 3) Be accessible to insects, rodents or other carriers of disease that may come into contact with food or drinking water.
 - 4) Be a health hazard by being accessible to children or others who cannot fully care for themselves.
 - 5) Be a nuisance due to odor or unsightly appearance.
 - 6) Violate other laws or regulations governing water pollution or wastewater disposal.
- C) Using the above as a basis, the Gallatin City-County Board of Health has developed these regulations. The standards, based on proven technology, for the siting, design, construction, installation and maintenance of wastewater treatment systems are adopted to insure the proper treatment and disposal of wastewater and to reduce and prevent potential public health hazards. The technical standards are adopted with the recognition that research and technology have the potential to affect the standards and that for a given site, more than one type of system may be appropriate. When appropriate, EHS may allow the design and construction of wastewater treatment systems, which reflect the most current research and technology that best protects the public health and to give recognition to system equivalency. Stringent monitoring and research data may be required.
- D) Copies of any cited materials or reference materials are available for a fee from EHS. Cited references may be viewed at various locations throughout the County. Contact the EHS, for a list of locations. Copies are also available from MDEQ, Water Quality Division and at the following websites:
 - http://gallatincomt.virtualltownhall.net/public_Documents/GallatinCoMT_EHSNotices
 - <http://www.deq.state.mt.us/dir/legal/Chapters/Ch36-toc.asp>
 - www.deq.state.mt.us/wqinfo/circulars/deq4.pdf
- E) Users of these regulations need to be aware that subsurface sewage treatment systems are considered by the Environmental Protection Agency to be Class V injection wells and may require associated permits. Of particular concern are systems receiving wastewater from industries and/or automotive service stations.

1.1 Authority and Scope of Regulations.

- A) These regulations are made pursuant to, but not by way of limitation, the Montana Code Annotated (MCA):
 - 1) Section 50-2-116(1)(i).
 - 2) Section 50-2-116(2)(j).
 - 3) Section 50-2-130(2).
- B) Pursuant to Administrative Rules of Montana (ARM) Section 17.36.913:
 - 1) No person may construct, alter, extend, or utilize a wastewater treatment or disposal system that may:
 - a) contaminate any actual or potential drinking water supply;

- b) cause a public health hazard as a result of access to insects, rodents or other possible carriers of disease to humans;
 - c) cause a public hazard by being accessible to persons or animals;
 - d) violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter;
 - e) pollute or contaminate state waters, in violation of 75-5-605, MCA;
 - f) degrade state waters unless authorized pursuant to 75-5-303, MCA; or
 - g) cause a nuisance due to odor, unsightly appearance or other aesthetic consideration.
- C) Pursuant to 50-2-116(1)(i), MCA, these regulations govern the permitting of the following public and private wastewater treatment systems:
- 1) Individual/Shared
 - 2) Multiple-user
 - 3) Commercial
 - 4) Public
- D) All structures requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal facilities shall use a legally permitted wastewater treatment system with the following exceptions:
- 1) The WWTS was installed prior to January 1, 1966, and has been determined by EHS not to be obsolete. Such systems must meet the requirements of Section 1.0 (B) of this regulation and the general requirements of 17.36.911, ARM, et.seq.; or
 - 2) The WWTS is a public treatment system approved by the MDEQ prior to July 1, 2001.
- E) If a MDEQ approved public or municipal collection and treatment system is within 200 feet of the property line which requires a new or replacement WWTS, and the owner of the public or municipal collection and treatment system approves the connection, wastewater must be discharged to the public or municipal system. Wastewater discharge into a municipal system shall take precedence over wastewater discharge into a public system.
- F). Inhabited structures without a piped water supply including mobile homes and trailers may be required to demonstrate that wastewater is disposed of in compliance with Section 17.36.913 ARM.
- G) The following sources are adopted by reference
- 1) Circular DEQ 4, "Montana Standards for Subsurface Wastewater Treatment Systems", latest edition.
 - 2) 17.36.911 to 17.36.914(5), ARM, and 17.36.914(7) to 17.36.924 ARM. "Subsurface Wastewater Treatment Systems".
 - 3) 17.36.101 ARM; 17.36.320 to 322 ARM; 17.36.324 to 325 ARM; 17.36.326(1) ARM; 17.36.326(3) ARM; 17.36.326(4); and 17.36.327 ARM "Subdivisions/On-Site Subsurface Wastewater Treatment, Sewage Systems". Any referral to "the department" in Title 17, Chapter 36, Sub-Chapters 1 and 3 means GCCHD.
- H) MDEQ may develop and other sources may contain requirements or procedures relevant to wastewater treatment systems. A list of such sources includes but are not limited to:
- 1) "Sanitation in Subdivisions Act" Title 76, Chapter 4, MCA.
 - 2) "Subdivision/On-Site Subsurface Wastewater Treatment", 17.36.101, ARM, et.seq.
 - 3) EPA/625/R-00/008 "Onsite Wastewater Treatment Systems Manual".
 - 4) "Water Quality Act" Title 75, Chapter 5, MCA.
 - 5) "Nondegradation of Water Quality", 17.30, Subchapter 7, ARM, et.seq.
 - 6) "Mixing Zones in Surface and Groundwater", 17.30, Subchapter 5, ARM, et.seq, ARM, et.seq.

7) "Floodplain Management Engineering Bureau" Title 36, Chapter 15, MCA.

- I) If conflicts or inconsistencies exist between referenced and other sources, EHS will determine the appropriate requirement, interpretation or administrative procedure that is consistent with the requirements and intent of sound public health and safety practices, 17.36.320 to 322 ARM, 17.36.324 to 325 ARM, 17.36.326(1) ARM, 17.36.326(3) ARM, 17.36.326(4), 17.36.327 ARM, 17.36.911 ARM et.seq., DEQ 4 and these regulations.

1.2 Effective Date, History and Enactment.

- A) Effective Date: All provisions established under this regulation shall become effective as of Sunday, June 27, 2004.
- B) These regulations shall be enacted as Chapter 3 of the Gallatin City-County Health Code.

1.3 Review of Regulation Procedures.

- A) The Board may, as deemed necessary, conduct a detailed review of these regulations. Revisions shall be made as needed to insure proper administration and to allow for improved methods of wastewater treatment.
- B) EHS shall have the authority to alter forms or processes referenced in these regulations as necessary for proper administration.
- C) Fees shall be set by the Gallatin City-County Board of Health in accordance with 50-2-116, MCA, *inter alia*.
- D) If a change in any regulation promulgated by the State of Montana effects these regulations or application thereof pursuant to the requirements of 50-2-116 and 50-2-130, MCA, the Board, in its discretion, may temporarily revise these regulations until such time the changes can be properly made in accordance with Chapter 1 of the Gallatin City-County Health Code. Such temporary revision shall not exceed 90 days.

SECTION 2 DEFINITIONS

Alter • physically changing a WWTS by relocating, modifying, adding to or subtracting from all or portions of a system or increasing the flow into a system above that particular system's design flow. Increasing flow includes adding bedrooms to a residence. EHS shall have the sole discretion to determine if an enlargement, change in use or circumstance is an increase in use or alteration.

Applicant • any person, institution, public or private corporation, partnership, or other entity as noted on the application for a permit for a WWTS. The applicant does not have signature authority unless they are the legal property owner or their authorized agent.

Approval • the official consent given in writing by the Gallatin City-County Board of Health and/or the Health Officer and/or his/her representative.

- A) **Application Approval** • issuance of a WWTS **permit to construct** is authorization to install a system as per the approved plans and any permit conditions.
- B) **Installation Approval** • upon inspection and certification by the responsible party and given compilation of all measurements and field notes, permission given to backfill the system.
- C) **Final Approval** • approval granted upon review and acceptance of the system certification and as-built drawing. The permit to construct then becomes a **permit to operate** the system as approved.

Approved Subdivision • a subdivision of land, which has received approval from MDEQ and/or the local health authority and has a Release of Sanitary Restrictions, Health Officers Approval Statement and/or Certificate of Subdivision Approval Statement filed in the C & R (See Certificate of Subdivision Approval or Release of Sanitary Restrictions).

As-built • a post-construction drawing, which accurately depicts the location and configuration of all WWTS components and other on-site features-and requirements specified on the permit.

Authorized Agent • for the purpose of obtaining a WWTS permit, a person lawfully designated by the legal property owner authorizing that person to work and sign on the property owner's behalf.

Backfill • soil used to cover underground portions of a WWTS.

Base Flood Elevation • (BFE) means the elevation above sea level of the base flood in relation to the national geodetic vertical datum of 1929, unless otherwise specified. [36.15.101(5) ARM]

Blackwater • liquid and solid human body waste and the carriage waters generated through toilet usage.

Board or BOH • the Gallatin City-County Board of Health.

C & R • Gallatin County Clerk and Recorder's Office.

Certificate of Subdivision Approval • a statement issued by MDEQ approving a reviewed parcel for structures requiring a water supply and sewer (see Approved Subdivision or Release of Sanitary Restrictions).

Coefficient of Uniformity (CU) • is equal to D_{60}/D_{10} , where D_{60} is the grain diameter (in mm) corresponding to 60 percent passing and D_{10} is the grain diameter (in mm) corresponding to 10 percent passing, by weight.

Commercial • any venture associated with commerce or trade.

Composting Toilet • a toilet which connects to a watertight compartment or vault designed to receive composting materials sufficient to reduce waste by aerobic decomposition.

Construct or Construction • any excavation for and/or installation of a WWTS.

Contaminate • an increase in the concentration of organic matter, chemicals, viruses, or bacteria in water to a degree that is likely to affect present or future beneficial uses of the water or which violates any applicable groundwater or surface water standards.

Covenant • a recorded agreement stating certain activities and/or practices are required or prohibited. Subdivision covenants are not enforceable by GCCHD.

Day • a calendar day.

Director • the Gallatin City-County Health Department, Environmental Health Services Director.

Drop Box • a watertight receptacle for collecting and distributing effluent in a successive failure or sloped absorption system.

EHS • the Gallatin City-County Health Department, Environmental Health Services.

Enforcement Division • the division within MDEQ that enforces state water quality laws.

Engineer (PE) • a professional engineer registered in the State of Montana. All work submitted by a PE must be signed and sealed per the rules and regulations governing professional engineers [Title 37, Chapter 67 MCA].

Expansion • an increase in system capacity. EHS will use the design capacity and/or number of bedrooms as noted on a previous WWTS permit and/or other available county records to determine if the proposal is an expansion.

Fill • soil that has been displaced from its original location.

Flood Boundary • the designated floodplain boundary is based on base flood elevations. The mapped floodplain boundary may be used as a guide for determining whether the property is within the designated floodplain, but the exact boundary shall be determined according to the base flood elevations. [36.15.101(12) ARM]

Flow • the actual volume in gallons of wastewater entering a system per day.

GCCHD • the Gallatin City-County Health Department.

GPD • gallons per day.

Groundwater Table • the upper surface of groundwater in the zone of saturation of a geologic formation; includes the upper surface of a perched water table (see also "Seasonal High Groundwater").

High Permeability Soil • a soil with a percolation rate faster than ten (10) minutes per inch.

Increased Use • the enlargement or change in use of a structure served by a WWTS where the enlargement or change in use is likely to increase the effluent flow and/or wastewater strength from the structure. This includes but is not limited to the addition to a residence of one or more spaces that can be used as bedrooms.

Installer • an individual possessing a valid registration of competency to construct, repair, replace, or alter a WWTS under these regulations.

Laterals • the individual legs of an absorption area or the individual lines of perforated piping laid in a trench or an absorption bed.

MDEQ • the Montana Department of Environmental Quality.

Monitoring Well • an inspection and/or sampling port, and may be one of two types:

- A) **Groundwater Level Monitoring Well** • this type of monitoring well may be used to measure groundwater levels.
- B) **Chemical/Biological Monitoring Well** • this type of monitoring well will be required for groundwater sampling of chemical and/or biological parameters.

Montana Codes Annotated (MCA) • the legislative laws of Montana.

Multiple-User Sewage System • a nonpublic sewage system that serves, or is intended to serve, 3 through 14 living units and/or 3 through 14 commercial establishments. The total population served may not exceed 24. In estimating the population served, EHS shall multiply the number of living units times the county average of persons per living unit based on the most recent census data. Individual or shared commercial sewage systems with design flows greater than 700 gallons per day are considered as multiple-user for purposes of design requirements.

Nondegradation Review • an analysis of potential nitrogen and phosphorous impacts to state waters in order to verify that no significant changes in water quality will result from a proposed WWTS pursuant to 75-5-300, MCA.

Nuisance • anything that is indecent or offensive to the senses as defined by 27-30-101, MCA

Obsolete • a WWTS or component thereof may be considered obsolete due to component/system type, extreme age of the WWTS, change in usage and/or an inability to meet the requirements of 17.36.911 ARM et.seq. and these regulations.

- A) Components/system types considered to be obsolete include outhouses, cesspools, seepage pits, metal tanks and a WWTS installed prior to Gallatin County WWTS regulations. (January 1, 1966)
- B) Change in usage pertains to any WWTS serving a structure producing wastewater that exceeds original design capacity in terms of quantity and/or strength. This applies to systems installed prior to January 1, 1966, and those installed thereafter. The design or system capacity may have to be determined.
- C) RSR stipulations of system components (primary and secondary treatment) that are not in compliance with these regulations.

Permit • a legal document issued by the EHS. The permit number will apply to the following two stages of authorization:

- A) **Permit to Construct** • upon issuance a permit allows the construction, repair, replacement, or alteration of a WWTS as approved.
- B) **Permit to Operate** • upon final approval of the system installation being given by EHS, a permit becomes an authorization to operate the WWTS as approved.

Person • any legal entity, organization or human being according to Montana Law. Also see 75-5-103(23) MCA.

Property Owner • the legal title-holder of a parcel of land.

Public Notification • a notice that is published per the requirements of the Gallatin City-County Health Code.

Registration of Competency • a registration issued by the EHS to an individual who has demonstrated sufficient evidence of competence to either install WWTS or to perform site evaluations in Gallatin County.

Release of Sanitary Restrictions (RSR) • the lifting of sanitary restrictions as imposed by the Sanitation in Subdivisions Act (76-4-121, MCA). (See Approved Subdivision or Certificate of Subdivision Plat Approval)

Repair • fixing or replacing any component of a WWTS. Repairs are considered major when any part of the WWTS is moved from its original permitted location or components or sections are replaced. Minor repairs do not result in the relocation of any component of a WWTS or are not made as a result of additional flows. Minor repairs do not need a new permit but all such repairs should be noted on the original permit. The replacement of a septic tank is not considered a minor repair. EHS shall make the determination if a repair is major or minor. Also see alter.

Review Fee • a fee assessed to compensate EHS for time required to review an application. Review fees are non-refundable.

Sanitary Restriction • a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal facilities until MDEQ has approved plans for those facilities.

Sewer Line • the PVC pipe connecting the house to the septic. (see also transport line)

Site Evaluator (SE) • an individual possessing a valid registration of competency to assess and report on the suitability of a site for a WWTS under these regulations. The site evaluator shall demonstrate to EHS competency in the design of certain types of WWTS appropriate for the site conditions.

Soil • loose or unconsolidated material composed of weathered rock, minerals and partly decayed organic matter. Soils may treat organic materials, inorganic substances, and pathogens (disease causing organisms) in wastewater by acting as a filter, exchanger, absorber and a surface on which many chemical and biochemical processes may occur.

Subsurface Drain • foundation drains, vertical drains, french drains or other drainage systems designed to permanently lower the groundwater table.

Surface Water • any body of water or watercourse, including lakes, ponds, rivers, creeks, streams, intermittent streams, irrigation ditches, seeps, and swamps.

Swamp or Seep • an area that generally contains visible surface water during most years and is not a lake, pond or stream.

System Certification • a written acknowledgment that a particular system was constructed and functioning in accordance with approved plans and regulations at the time of installation. System certification is required on all systems installed in Gallatin County.

Transport Line • means the PolyVinyl Chloride (PVC) pipe or other approved material which transports wastewater from the septic and/or pump tank(s) to the secondary treatment.

Upgrade • the addition of a component and/or treatment technology to an existing system beyond what was previously permitted.

Variance Fee • a fee assessed to those applications requiring or requesting a variance. Variance fees are non-refundable if public notification has taken place.

Wetlands • areas which meet the criteria established by the United States Corp of Engineers in Section 404 of the Clean Water Act.

Work Day (Working Day) • 8:00 AM to 5:00 PM Monday through Friday excluding national, state or local holidays.

SECTION 3 APPLICATIONS FOR PERMIT

3.0 Pursuant to 50-2-116(1)(i), MCA, these regulations govern the permitting of the following public and private wastewater treatment systems:

- A) Individual/Shared
- B) Multiple-user
- C) Commercial
- D) Public

3.1 It is unlawful and a misdemeanor for any person to construct a new wastewater treatment system or to repair, replace, or alter an existing system within Gallatin County unless that person holds a valid permit to construct issued by EHS for the specific construction, repair, replacement or alteration.

3.2 It is unlawful to operate an obsolete wastewater treatment system within Gallatin County.

3.3 Any new installation, repair, replacement, or alteration of any portion of or all of an existing system will require that the entire system meet these regulations for location, design and construction of a WWTS. This includes but is not limited to the following:

- A) Application for the replacement or upgrade of a septic tank and/or pump chamber will require verification that the dispersal area meets these regulations-(i.e. pressure distribution is required for dispersal areas >1,000 square feet).
- B) Application for the replacement or upgrade of a dispersal area will require verification that the septic tank and/ or pump chamber meets these regulations (i.e. metal tanks and seepage pits are considered obsolete, 1500 gallon septic tank is required for 4 to 5 bedroom homes).

- C) Where the RSR stipulates system components (primary and secondary treatment) that are not in compliance with these regulations, EHS may require adherence to these regulations.
- D) For a proposed upgrade, repair and/or alteration of a system permitted under GCCHD regulations in effect from May 1, 1992 to December 8, 2000, a one-time exclusion may be granted from full conformance with these regulations under the following conditions:
 - 1) The system that would be allowed by the exclusion is:
 - a) Unlikely to cause pollution of state waters in violation of 75-5-605, MCA; and
 - b) Will protect the quality and potability of water for public water supplies and domestic uses, and will protect the quality of water for other beneficial uses, including those uses specified in 76-4-101, MCA; and
 - c) Will not adversely affect public health, safety and welfare; and
 - d) The exclusion will not conflict with the requirements of 17.36.911 et.seq. ARM.
 - 2) The upgrade, repair and/or alteration does not conflict with the purpose of current GCCHD regulations and must, at a minimum, meet the requirements of Gallatin City-County Regulations for Wastewater Treatment Systems, effective May 31, 1997.
 - 3) The property owner submits a certification (available from EHS) which documents:
 - a.) The specific areas where the system does not conform to these regulations;
 - b) Acknowledgement that the system may be required to be brought into full compliance with these regulations if and when any subdivision of the property is proposed.
- 3.4 The application for a WWTS permit establishes the property owner's consent, which allows EHS to enter the property for determining compliance with the site requirements and these regulations.
- 3.5 All information submitted with the application becomes the property of EHS and may not be returned. Such information is available for public viewing and copying according to 75.5.105, MCA. Special precautions may be made within the law, and at EHS's discretion, to protect proprietary information.
- 3.6 To protect the property owner's interest, proof of compliance or the ability to comply with other agencies, districts, or other governmental entities bylaws, ordinances, zoning laws, rules or regulations, may be required when deemed necessary by EHS.
- 3.7 For the purpose of permit application review, parcels of land in Gallatin County fall within one of three general categories:
 - A) Parcels that have undergone subdivision review.
 - 1) These parcels have been reviewed under the Sanitation in Subdivision Act and issued a Certificate of Subdivision Approval statement, which constitutes a Release of Sanitary Restrictions (RSR). State and local RSR documents must be filed with the C & R prior to a permit being issued. Copies of this document should be available at EHS and/or at the C & R.
 - 2) The Certificate of Subdivision Plat Approval/RSR contains conditions and stipulations for the development of the described lot(s). These stipulations include the number and type of structures allowed. In older plat approval statements where this is not stipulated, approval is assumed to be for one single-family dwelling per lot.
 - 3) Most subdivision approval statements include requirements for drinking water supply type and location in addition to WWTS type, size and location. Older subdivision approvals may not stipulate locations or WWTS type and sizing requirements. The latter may require a new site evaluation report be obtained for permit application. Nondegradation analysis may also be required for lots subdivided prior to the adoption of the Sanitation in Subdivision Act (February 28, 1961).
 - 4) Any desired changes to the conditions and stipulations contained in a Certificate of Subdivision Approval will require an amended subdivision approval prior to submittal of a local permit application.
 - B) Parcels that are not or were not subject to subdivision review under the Sanitation in Subdivision Act.

- 1) Some parcels are not or were not subject to State review at the time they were created. Factors affecting the need for subdivision review include, but are not limited to; the date of filing, number of lots created, lot creation by court order, highway construction exemption, lots created for mortgage purposes, etc.
 - 2) These parcels require a site evaluation be conducted and site-specific information submitted with a permit application as required by these regulations. Review of the water supply and WWTS will be done at the local level.
 - 3) These parcels require nondegradation review and site-specific information submitted with a permit application.
 - 4) Local permit issuance is only for the installation of the approved WWTS as designed. Subsequent subdivision of a parcel may be subject to additional local and/or state review.
- C) Parcels that were created incorrectly or through an exemption that leaves sanitary restrictions in place.
- 1) Some parcels were created without review under the Sanitation in Subdivision Act although such review was required under laws in effect at the time. Other parcels were exempt from review under the condition that no development which required water supply or which generated wastewater would occur.
 - 2) These parcels will be required to be reviewed under the Sanitation in Subdivision Act before a local permit application will be accepted.
- 3.8 Permits will be issued only for parcels within Gallatin County that are properly recorded with the C & R. A Certificate of Subdivision Approval Statement, and/or a Local Health Officer Approval Statement must be properly recorded with the C & R.
- 3.9 A WWTS permit governs only the installation and operation of wastewater treatment systems. A WWTS permit is not to be considered as a building permit or any other permit that may be required by other agencies to build a structure in Gallatin County.
- 3.10 Recommendations or requirements set forth in the permit do not bind or obligate EHS to guarantee the operation or longevity of any system. A WWTS permit or an inspection by EHS staff does not guarantee the workmanship or operation of any system.
- 3.11 EHS does not design WWTS.
- 3.12 At it's discretion, EHS may require PE oversight and stamp with signature in situations with complicated site conditions and/or system design requirements.
- 3.13 Applications and Signature Authority.
- A) An application for a permit shall be made on GCCHD forms and shall be signed only by the legal property owner(s) or the legal property owner(s) authorized agent.
 - B) The completed application and all required information must be submitted.
 - C) The property owner(s) or authorized agent is responsible for the accuracy of the information supplied with the application and shall certify the accuracy of the information provided to EHS by signing the application. If a permit is issued based upon inaccurate or omitted information, the permit may be voided and fees shall not be returned.
- 3.14 Permit Fees.
- A) Refer to the fee schedule.
 - B) All fees must be paid prior to service.
 - C) Permit fees are subject to change following review and discussion by the Board of Health at any public meeting for which public notification has been given.
- 3.15 Review of Applications.
- A) EHS shall review all applications on a "first come/first served" basis.
 - B) EHS will attempt to expedite the review of all applications but reserves the right to a review period of thirty (30) calendar days from the date an application is received.

- C) At EHS's discretion, review of larger and/or more complicated systems or site conditions may be forwarded to MDEQ or an engineering firm under contract. The costs incurred for this review will be the responsibility of the property owner. The property owner may request in writing a cost estimate prior to the review by an outside party. All fees must be submitted prior to the permit being issued. For these situations, EHS will not be bound by the thirty (30) calendar day review period.
- D) Review of an application will result in one of the following:
 - 1) An issued permit to construct.
 - 2) A written request for additional information.
 - a) If upon review the application is found to be incomplete or additional information is required, EHS will provide in writing an outline of additional information required.
 - b) The property owner/authorized agent will have thirty (30) days from the date of the letter to respond
 - i) One 30-day extension of the original response period may be granted, at EHS's discretion, if a written extension request is submitted before the initial 30-day period has passed. The written request must state the reason(s) the time extension is needed.
 - ii) In unusual circumstances (e.g. additional groundwater monitoring is required for the site), EHS may grant a one (1) year extension to obtain the necessary information. An additional fee is required to obtain the one-year extension. A written request and appropriate fee(s) must be submitted to receive the extension. EHS will respond to the extension request in writing.
 - c) Should EHS need to write a second request for additional information related to the same project, the property owner/authorized agent will have fifteen (15) days to respond. If the required information is not received, EHS may deny the application.
 - 3) A denial of the application will include written reason(s) for the denial (Section 4).
- E) If upon review the application is found to be incomplete or additional information is required, the 30 day review period will recommence from the date EHS receives the required information.
- F) A WWTS permit to construct shall be issued by EHS upon finding that the application is complete and in compliance with the site requirements and these regulations.

3.16 Floodplains

- A) Refer to 17.36.918 ARM for minimum horizontal setback distances.
- B) Projects or applications proposed on any parcel that may be subject to flooding or affected by a floodplain may be subject to the following conditions or requirements:
 - 1) Projects or applications within Designated Floodplains:
 - a) The mapped floodplain boundary may be used as a guide but the exact boundary shall be determined by the Base Flood Elevation (BFE).
 - i) The BFE is based on the Flood Insurance Rate (FIRM) Map or study approved by Gallatin County Floodplain Administrator.
 - b) GCCHD may require a surveyed topographic map with 2 ft. contours of the property if the BFE is within 100 ft. of an existing or proposed property boundary or if GCCHD has reason to believe property may be subject to flooding.
 - i) The topographic map must clearly show where the BFE intersects the natural ground surface.
 - ii) The topographic map must be stamped and signed by a P.E. or registered land surveyor.
 - c) GCCHD may require additional information including but not limited to a cross-section across the proposed primary and/or secondary drainfield and the water surface profile.
 - d) If the applicant or GCCHD contests the designated floodplain boundary, a GCCHD consultant may review the floodplain information. The GCCHD consultant shall make the determination of the accuracy and adequacy of the provided information. The GCCHD consultant will provide comments and recommendations to GCCHD.

- e) The applicant's information and the consultant's comments or recommendations may be forwarded to the Gallatin County Floodplain Administrator for review and comment. Actions, comments or recommendations from the Floodplain Administrator will be considered by GCCHD.
 - f) The GCCHD will make a determination if the project or application is compliant with these regulations based upon information provided by the applicant and the consultant's or Floodplain Administrator's comments or recommendations.
 - g) GCCHD's determination, if contested, may be appealed in accordance with these regulations.
 - h) If referred to a consultant, GCCHD is not bound to the thirty (30) calendar day review period.
- 2) Projects or applications within areas without a designated floodplain for waterways:
- a) If GCCHD has reason to believe property may be subject to flooding, GCCHD may require sufficient hydraulic and survey information to establish the location of the floodplain or flood prone areas before issuing a septic permit.
 - b) GCCHD may require a surveyed topographic map with 2 ft. contours of the property. A registered land surveyor or professional engineer must complete the survey.
 - c) Any hydraulic and survey information may be reviewed by a GCCHD consultant. The GCCHD consultant shall make the determination of the accuracy and adequacy of the provided information. The GCCHD consultant will provide comments and recommendations to GCCHD.
 - d) The applicant's information and the consultant's comments or recommendations may be forwarded to the Gallatin County Floodplain Administrator for review and comment. Actions, comments or recommendations from the Floodplain Administrator will be considered by GCCHD.
 - e) The GCCHD will make a determination if the project or application is compliant with these regulations based upon information provided by the applicant and the consultant's or Floodplain Administrator's comments or recommendations.
 - f) GCCHD's determination, if contested, may be appealed in accordance with these regulations.
 - g) If referred to a consultant, GCCHD is not bound to the thirty (30) calendar day review period.

3.17 Permit to Construct

- A) EHS may note specific written conditions on the permit to insure compliance with these regulations. Such conditions must be fulfilled to receive final approval.
- B) Construction of the WWTS may begin upon issuance of the permit.
- C) An individual, shared or multi-user WWTS permit to construct is valid for 24 months, during which time, the system must be installed, with notification of installation received by EHS (Section 7). EHS or the Board may require a system to be installed by a specific date in unique or unusual circumstances.
- D) If EHS has not received notification of installation within 24 months after the date of issuance, the permit shall be voided. Fees from voided permits are non-refundable and can not be applied to new permits.
- E) Any property owner whose permit has been voided must apply for a new permit and must comply with regulations in effect at the time of the new submittal date.

SECTION 4 DENIAL OF APPLICATIONS AND REVOCATION OF PERMITS

4.0 EHS may deny a WWTS application if:

- A) The proposed project does not comply with the requirements of these regulations; the Sanitation in Subdivision Act, Title 76, Chapter 4, MCA; MDEQ4, 17.36.911 to 17.36.914(5) ARM, or 17.36.914(7) ARM.
- B) The property owner/authorized agent has failed to supply all information necessary to make a determination whether or not the proposed WWTS complies with these regulations.
- C) If a site is being reviewed under the Sanitation in Subdivision Act, Title 76, Chapter 4, MCA, or the Platting Act, Title 76, Chapter 3, MCA, or the Gallatin County Subdivision regulations, no permit can be issued for

any structure on that parcel until the subdivision is approved and the appropriate approval documents are filed with the C & R. If the subdivision is reviewed and disapproved and the owner proposes building a structure on a portion of the property that can comply with these regulations and it does not conflict with any provision of the disapproval, application for a WWTS permit can be made as outlined in this regulation.

- D) If EHS has reservations concerning the effectiveness or appropriateness of a specific system at a proposed site, a permit may not be issued. The Director shall make this determination. The Director's decision may be appealed as per Section 6 of these regulations.
- E) EHS reserves the right to limit the number of certain types of experimental systems within Gallatin County. EHS shall make this determination. Factors influencing the Director's decision may include proven effectiveness of the proposed system, monitoring results or lack of monitoring results from similar systems within the county and total number of similar systems installed within the county.

4.1 EHS may revoke or invalidate a WWTS permit if:

- A) Information is withheld, falsified or inaccurately supplied by the property owner or their authorized agent.
- B) Unapproved changes in plans or specifications are made after a WWTS permit has been issued.
- C) The installed system does not receive a system certification and final approval as per this regulation.
- D) EHS does not receive required monitoring results in a timely manner or within 30 days of specified monitoring periods.
- E) The property owner fails to comply with any conditions stipulated as part of the permit approval, any variance approval and/or in the Certificate of Subdivision Approval Statement.
- F) The WWTS is found to be in conflict with the requirements of the Sanitation in Subdivisions Act, these regulations and/or the approved plans.
- G) Any provision of a Certificate of Subdivision Approval Statement has been violated or there is departure from the approved plans, specifications or lot layouts in the subdivision.
- H) The quantity or strength of the wastewater generated exceeds that for which the system was approved.

4.2 Permit fees, but not review fees, shall be processed for a refund within 30 days of the denial notice. Refunds will be made to the person(s) or entity that paid the original submittal fees. No fees are returned for revoked or invalidated permits.

4.3 All information submitted with the application remains the property of EHS and may not be returned.

SECTION 5 SITE EVALUATIONS

5.0 Information concerning soil and site characteristics is necessary to determine if suitable conditions exist for on-site wastewater treatment and dispersal. This information is also critical for the design of a WWTS appropriate for the site being evaluated. Both primary and replacement areas must be shown to be suitable for WWTS construction and may require different design criteria or system requirements. EHS will make the determination if a site evaluation is necessary.

5.1 See MDEQ4, Chapter 3. Guidance documents are available from EHS.

5.2 Groundwater monitoring shall be performed by a person approved by EHS. To prevent a perceived conflict of interest, a party other than the property owner should conduct groundwater monitoring. A groundwater confirmation number must be obtained from EHS prior to monitoring and allows EHS staff to enter the property for groundwater monitoring purposes. A groundwater confirmation number is separate from a site evaluation confirmation number. EHS may not accept data from sites without groundwater confirmation number. Perforated pipe is allowed in monitoring wells.

5.3 Site evaluations are required for parcels not subject to the Sanitation in Subdivisions Act as well as some older subdivided parcels whose Certificate of Subdivision Approval Statements do not stipulate locations and/or WWTS type and sizing requirements.

- 5.4 Site evaluations may also be required on some older subdivisions whose RSR stipulates a system or component type and/or a drainfield sizing or application rate that does not meet these regulations. Existing soil information may be used if available.
- 5.5 Site evaluations must be performed by a SE, a PE or an individual in training under the direct supervision of a PE (all work to be co-signed and stamped by the supervising PE). SE assistants or trainees may not perform site evaluations.
- 5.6 Site Evaluation Confirmation Number
- A) EHS must be notified and a site evaluation confirmation number obtained for all site evaluations performed in Gallatin County. This includes site evaluations for new, repair, replacement, or alterations of individual/shared, multiple-user, commercial and/or public WWTS, as well as subdivision review. A separate site evaluation confirmation number is required for each parcel being evaluated.
 - B) EHS notification is required three (3) working days prior to performing the evaluation. This gives EHS, at its discretion, the opportunity to be present during the site evaluation. In cases where the site evaluation is for the replacement of an existing WWTS that is failing, notification to EHS may be made as late as the day of the evaluation allowing sufficient time for EHS staff to attend the evaluation.
 - C) Specific site or location information may be requested.
 - D) The site evaluation confirmation number may be voided and a reinspection fee (see fee schedule) assessed for site evaluations which are postponed, canceled or delayed without prior notice or adequate justification to EHS.
 - E) Prior notice of the postponement or cancellation must be given to EHS at least in advance of the travel time typically required to reach the site from the EHS office.
 - F) New or additional site evaluations on a different date for the same lot and/or for the same project will also require notification to EHS.
 - G) EHS may initiate administrative policies or procedures to address abuses or circumventions of this section.
- 5.7 EHS may require additional test pits or information for site evaluations or permit applications. When data discrepancies exist, EHS will determine which data or values will be used. EHS will make the determination if the arithmetic mean of percolation tests values appropriately reflects the soil type.
- 5.8 Data from test holes and percolation tests performed in frozen or cold soil may not be accurate. Snow may obscure important topographic or geologic conditions. EHS may require additional data or procedures to ensure accurate information.

SECTION 6 VARIANCES AND APPEALS

- 6.0 A property owner/authorized agent or any affected person may request a variance from State regulations by filing an application with the Gallatin City-County Board of Health. Forms may be obtained at EHS.
- 6.1 As per 17.36.922 ARM, the Board will hear variance requests from the requirements of MDEQ4 and 17.36.911 et.seq. The Board may hear variance requests from 17.36.101 ARM; 17.36.320 to 322 ARM; 17.36.324 to 325 ARM; 17.36.326(1) ARM; 17.36.326(3) ARM; 17.36.326(4); and 17.36.327 ARM as referenced in these regulations.
- 6.2 If a variance request is approved, the property owner/authorized agent's signature on the variance application will document permission for EHS to file this form with all affected parcel(s) in the C & R before a WWTS permit will be issued.
- 6.3 If a variance request is denied by the Board, the property owner/authorized agent may, under Section 75-5-305, MCA, appeal to MDEQ.
- 6.4 The Health Officer will hear appeals from the administrative requirements of these regulations or administrative decisions by EHS.
- 6.5 The assessment of fines by the Health Officer and/or Code Compliance Specialist may be appealed to the Board of Health within ten (10) days of final notification of assessment by EHS and/or Compliance Department.

SECTION 7 INSPECTIONS AND CERTIFICATIONS

- 7.0 Applying for a permit establishes owner consent, which allows EHS to enter the property for the purpose of performing inspections to determine compliance with these regulations and the specifications of the permit.
- 7.1 The registered installer must have copies of the approved permit to construct and the approved site plan on site during system installation. EHS may have specified conditions for the system, which will appear on the signed permit.
- 7.2 PE's, Installers and SE may inspect, certify and document the proper installation of WWTS. A PE may be required for some system types or situations. System certification and the as-built drawing are the responsibility of the installer, SE, or PE based on the type of WWTS proposed as outlined in the following table:

**Table 7-1
Individual Responsible For System Certification And As-built**

Type of System	Individual Responsible for System Certification and As-built
Tank Installation Only	Installer, SE, or PE
Standard Absorption Systems	Installer, SE, or PE
Deep Absorption Systems	Installer, SE, or PE
At-Grade Absorption Systems	Installer, SE, or PE
Sand-Lined Absorption Systems	Installer, SE, or PE
Gravelless Absorption Systems	Installer, SE, or PE
Elevated Sand Mound Systems	SE or PE only
Intermittent Sand Filter Systems	SE or PE only
Recirculating Trickling Filter Systems	SE or PE only
Evapotranspiration-Absorption Systems	SE or PE only
Restricted Systems	PE only
Experimental Systems	PE only
Replacement Systems	
Septic Tank & Pump Chambers	Installer, SE, or PE
Absorption Beds	Installer, SE, or PE
Fill "Systems"	PE only
Artificially Drained Site	PE only
Cut "Systems"	PE only
Holding Tanks	Installer, SE, or PE
Sealed Pit Privies	Installer, SE, or PE
Any system with a design flow ≥ 2500 gpd.	PE only
Distribution Methods	
Gravity	Installer, SE, or PE
Dosed	Installer, SE, or PE
Pressure Distribution	Installer, SE, or PE

- 7.3 Upon completion of the system installation, the installer must contact EHS and, if required, the SE or PE responsible for system certification. EHS must be contacted at least 24 hours in advance of the desired inspection time for scheduling. EHS inspections are scheduled and conducted during the normal working day.
- 7.4 Although EHS will not inspect all system installations, it reserves the right to inspect systems and conduct "spot checks" to determine compliance with these regulations and the approved plans. The system shall remain open and uncovered for at least two (2) hours from the scheduled inspection time so that EHS may assess the installation unless specific permission has been granted by EHS to cover. If EHS has not inspected the system within the 2-hour time frame, and the party responsible for certifying the installation has completed their inspection and taken all necessary measurements, the system may be covered.
- 7.5 An installer, SE or PE may inspect a system installation outside of the normal working day. The system can not be covered unless an inspection has been scheduled with EHS per Section 7.3 and advance consent given.

- 7.6 If upon inspection, EHS and/or the party responsible for system certification (Section 7.2) finds the system deviates from the approved plans or is not in full compliance with these regulations, EHS shall withhold installation approval. The party responsible for system certification shall immediately notify EHS, the property owner/authorized agent and/or installer of the deficiencies and required corrective action. Deficiencies shall be corrected within thirty (30) days of notification, unless EHS approves, in writing, a longer compliance schedule. Failure to correct the deficiencies within the designated time frame may invalidate the permit.
- 7.7 Once the corrections have been made, the party responsible for system certification shall be notified that the system is ready for re-inspection. EHS must also be contacted to schedule a re-inspection time. A re-inspection fee may be required by EHS prior to scheduling a re-inspection.
- 7.8 Once the party responsible for system certification inspects and the system is determined to be in compliance with these regulations and the approved plans, installation approval may be given for the completed system.
- 7.9 After installation approval has been given, the system shall be back-filled as soon as possible. The system must be covered within five (5) days after installation approval, unless specific permission to extend this period has been granted in writing by EHS.
- 7.10 A completed system certification form (available at EHS) and as-built is required for all WWTS installed and must be submitted to EHS within 30 days of the date the inspection was scheduled with EHS. Failure to submit a system certification form and as-built for an installed system may result in the invalidation of the permit and the revocation of the registration of competency.
- 7.11 Upon signing the system certification form the person responsible is verifying that the system was installed in the approved location, in accordance with the approved plans and all other requirements of these regulations.
- 7.12 The person responsible for the system certification must also verify that any water well on-site at the time of the WWTS inspection was located according to the approved plans. Although an installer, SE or PE is not responsible for the placement or misplacement of a well, certification may not be given to a WWTS installation on a lot previously reviewed and approved under the Montana Sanitation in Subdivisions Act if an on-site well was not constructed in the plat approved location. Any well mislocated under these circumstances must be reported to EHS and system certification can not be given until the situation is resolved.
- 7.13 A business or company employing an individual to perform site evaluations, system design, system installation and/or inspection/certification work, will be held responsible for the completion of any outstanding work initiated by that individual should he or she fail to complete it.
- 7.14 EHS is not obligated to accept new work from an installer, SE, PE until the individual has come into compliance with these regulations (i.e. past due as-built and/or system certification submittals).
- 7.15 Inspections are performed only for determining compliance with these regulations and the approved permit. EHS is not responsible for ensuring workmanship. Final approval of a WWTS shall not be construed as a guarantee to the life expectancy or operation of the system.
- 7.16 Final approval of the system will be given upon review and acceptance of the system certification and as-built.

SECTION 8

OPERATION OF WASTEWATER TREATMENT SYSTEMS

- 8.0 With the granting of final approval, the permit to construct becomes a permit to operate.
- 8.1 The property owner is responsible for the proper operation, maintenance and cleaning of the system as well as correcting any nuisance arising from its damage or failure. The owner is responsible for all site or system monitoring requirements being fulfilled.
- 8.2 EHS has the authority to require the owner of a WWTS to maintain and submit records of system inspection, maintenance, cleaning, monitoring, and testing.
- 8.3 It is unlawful and a misdemeanor for any person using a WWTS to dispose of hazardous chemicals such as, but not limited to, gasoline, oil, paint, paint thinner, antifreeze, pesticides and solvents into a system.
- 8.4 EHS is authorized to enter private property during reasonable hours to inspect a WWTS or with due cause, to determine compliance with these regulations.

SECTION 9 INSTALLER REGISTRATION

- 9.0 It is unlawful and a misdemeanor for any person to construct, repair, replace, or alter a WWTS within Gallatin County unless that person holds a valid installer's registration of competency.
- 9.1 A registered installer must be on site during the installation of every system.
- 9.2 Installer registrations of competency are not transferable.
- 9.3 Registrations of competency that are valid as of the effective date of these regulations, will expire on January 31, 2005. All installers must satisfy Section 9.4 of this regulation for re-registration of competency upon expiration of their registration.
- 9.4 Applications for a registration of competency under these regulations shall be made to EHS, which may grant the registration upon:
- A) Submittal of a registration application (forms available at EHS or on the GCCHD website), and
 - B) Submittal of the examination fee (see fee schedule), and
 - 1) This fee will allow an individual to have one (1) re-test at no additional charge. Additional examinations by the same individual will be assessed an additional fee (e.g. the 3rd test will be assessed the examination fee but the 4th test has no additional charge).
 - 2) There is no limit to the number of times an individual may take the examination. There is a one (1) week waiting period between examinations.
 - C) Successful completion of the registration examination with a score of 80% or greater.
 - 1) The Board of Health has determined that an installers exam is necessary as:
 - a) Changing technology requires continuing attention to advances in WWTS design, and
 - b) EHS requires assurance that all installers are familiar with the appropriate State and Gallatin County regulations.
- 9.5 Installer registrations of competency under these regulations shall be valid from February 1 through January 31 for the two (2) year time period stated on the Installer Registration of Competency.
- 9.6 Registrations may be renewed without examination if:
- A) The applicant has demonstrated knowledge of WWTS layout and installation in the year immediately preceding the application for renewal.
 - B) Renewal application is made within thirty (30) days of the registration expiration.
 - C) The individual submits an updated registration form (forms available at EHS), and
 - D) The individual submits the appropriate fee.
 - E) No significant changes to State or local WWTS regulations have occurred.
 - F) The individual has no delinquent or inadequate as-builts and/or system certifications.
- 9.7 Property Owner Installation Examination
- A) A property owner wishing to construct, alter or repair a standard WWTS for his/her own residence upon his/her own property may only do so upon passing the GCCHD owner/installer examination. A passing score on this examination allows a property owner to install one standard absorption trench, gravity distribution system upon their own property only. A property owner may only install other types of WWTS upon passing the registered installer examination. Certification requirements remain per the specific system type.
 - B) Builders who may own several parcels of land or who build structures on these parcels for sale, rent or lease and not for their own residential purposes will not be allowed to install systems as the property owner.
- 9.8 Individuals approved by EHS to install WWTS shall be placed on a registration of competency. Homeowners passing only the homeowners installation examination will not be placed on this registration.
- 9.9 Installer registrations may be denied for any of the following:

- A) Having constructed, repaired, replaced, or altered a WWTS without a valid permit.
 - B) Having an installer registration revoked within twelve (12) months preceding the application.
 - C) The individual has severe or continued violations of these regulations.
- 9.10 EHS shall notify the individual, in writing, of the denial and the reason(s) for the decision.
- 9.11 Installer registrations of competency are the property of EHS and may be revoked by the Health Officer for any of, but not limited to, the following reasons:
- A) Construction, repair, replacement, or alteration of a WWTS without a permit.
 - B) Misrepresentation purposeful omission(s) or falsification of any data or information submitted to EHS for the purpose of obtaining a permit or to gain approval for a WWTS construction, repair, replacement, alteration or certification.
 - C) Failure to provide a system certification within 30 days of a completed installation.
 - D) Failure to demonstrate competence. The competence of an installer may be challenged by EHS for any of the following reasons:
 - 1) If systems have been installed with gross errors in design or poor or negligent workmanship.
- 9.12 EHS shall notify the installer in writing that continued poor or negligent installations, system designs or other non-compliance with state and local regulations will result in the revocation of the registration of competency.
- 9.13 A revocation is for one calendar year from the date of revocation. Re-registration of competency is permitted only after completing the requirements of Section 9.4 of these regulations and the approval of the Health Officer.
- 9.14 Installers may only certify the system and distribution types as outlined in Table 7-1.

SECTION 10 SITE EVALUATOR REGISTRATION

- 10.0 Registrations of competency that are valid as of the effective date of these regulations will expire on January 31, 2005. All SE must satisfy Section 10.1 of this regulation for re-registration of competency upon expiration of their registration.
- 10.1 Applications for a registration of competency under these regulations shall be made to EHS, which may grant the registration upon:
- A) Submittal of a registration application (forms available at EHS or GCCHD website).
 - B) Submittal of the SE applicant's qualifications including, but not limited to, education, experience, and/or professional registrations. The SE applicant must be:
 - 1) A professional engineer registered with the State of Montana, or,
 - 2) An engineer-in-training registered with the State of Montana, or,
 - 3) An environmental health specialist or sanitarian possessing a valid registration with the State of Montana or with the National Environmental Health Association, or,
 - 4) A graduate from an accredited college with a four year degree in soil science, geology, or a related field with course work in soil or earth sciences.
 - C) Submittal of the examination fee (see fee schedule).
 - 1) This fee will allow an individual to have one (1) re-test at no additional charge. Additional examinations by the same individual will be assessed an additional fee (e.g. the 3rd test will be assessed the examination fee but the 4th test has no additional charge).
 - 2) There is no limit to the number of times an individual may take the examination. There is a one (1) week waiting period between examinations.
 - 3) PE's are exempt from the requirements of examination and fee.
 - D) Successful completion of the registration examination with a score of 80% or better.

- 1) The Board of Health has determined that a site evaluator exam is necessary as:
 - a) Changing technology requires continuing attention to advances in WWTS design, and;
 - b) EHS requires assurance that all SE are familiar with State and Gallatin County regulations.
- 10.2 Site evaluator registrations of competency under these regulations shall be valid from February 1 through January 31 for the two (2) year time period stated on the Registration of Competency.
- 10.3 Registrations may be renewed without examination if:
 - A) The applicant has demonstrated knowledge of soils and site assessment and of WWTS design in the year immediately preceding the application for renewal.
 - B) Renewal application is made within thirty (30) days of the registration expiration.
 - C) The individual submits an updated registration form (available at EHS and GCCHD website), and
 - D) The individual submits the appropriate fee (see fee schedule).
 - E) No significant changes to State or local WWTS regulations have occurred.
 - F) The individual has no delinquent or inadequate as-builts or system certifications.
- 10.4 Individuals approved by EHS to perform site evaluations shall be placed on a registration of competency.
- 10.5 PE's must fill out an application and provide a copy of their license to be placed on the registration of competency. The PE must submit an updated registration form (available at EHS) every two years to remain on the registry.
- 10.6 SE registrations may be denied if their previous registration was revoked within twelve (12) months preceding the application.
- 10.7 EHS shall notify the individual, in writing, of the denial and the reason(s) for the decision.
- 10.8 The registration of competency is the property of EHS and may be revoked by the Health Officer for any of, but not limited to, the following reasons:
 - A) Misrepresentation, purposeful omission(s) or falsification of any data or information submitted to EHS for the purpose of obtaining a permit or to gain approval for a WWTS construction, repair, replacement, alteration or certification.
 - B) Failure or refusal on the part of the SE to comply with provisions stipulated as a condition of permit approval including, but not limited to post-construction system certification and as-built or, if responsible, maintenance and operation monitoring and reporting requirements.
 - C) Failure to demonstrate competence. The competence of a SE may be challenged by EHS for any of the following reasons:
 - 1) If WWTS have significant errors in design.
 - 2) If site evaluations exhibit poor or negligent data collection, data interpretation or assessments.
- 10.9 EHS shall notify the SE or PE in writing that continued poor or negligent site assessments, system designs or other non-compliance with state and local regulations will result in the revocation of the registration of competency.
- 10.10 EHS shall notify the appropriate review board regarding complaints or enforcement action against a PE. EHS is not obligated to accept new work from a PE until the individual in question has come into compliance and/or the appropriate engineering review board has ruled on any complaints brought by EHS against a PE.
- 10.11 A revocation is for one calendar year from the date of revocation. Re-registration of competency is permitted only after completing the requirements of Section 10.1 of these regulations and approval by the Health Officer.

SECTION 11 ENFORCEMENT

- 11.0 EHS or the Health Officer:
 - A) Shall enforce the requirements of these regulations as well as the appropriate state statutes and regulations, and

- B) May refer cases within their jurisdiction to the Code Compliance Specialist or County Attorney's office.
- 11.1 When a person violates the provisions under these regulations, EHS or the Health Officer may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law, including but not limited to any one or a combination of the following:
- A) Informal administrative conferences, convened at the request of EHS or the property owner, to explore facts and resolve problems.
 - B) Orders directed to the owner and/or operator of the system and/or person causing or responsible for the violation of the rules of these regulations.
 - C) Denial, suspension, modification, or revocation of permits, approvals, or registration.
 - D) Civil or criminal action, including the assessment of fines.
- 11.2 Orders authorized under this section include the following:
- A) Orders requiring corrective measures necessary to effect compliance with these regulations which may include a compliance schedule; and
 - B) An order to stop work and/or refrain from using any system or portion of the system or improvements to the system until all permits, registrations and/or approvals required by rule or statute are obtained.
- 11.3 Enforcement orders issued under this section shall:
- A) Be in writing and contain the legal property description of the parcel(s) of land.
 - B) Name the person or persons to whom the order is directed.
 - C) Briefly describe each action or inaction constituting a violation of the rules of these state or local codes.
 - D) Specify any required corrective action, if applicable.
 - E) Specify the effective date of the order, with time or times of compliance.
 - F) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:
 - 1) Denial, suspension, or revocation of a permit approval, or registration; and/or
 - 2) Referral to the office of the Code Compliance Specialist or County Attorney for possible enforcement and prosecution; and/or
 - 3) Other appropriate remedies.
 - G) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.
 - H) Comply with other applicable laws.
- 11.4 Enforcement orders shall be personally served in the manner of service of a summons in a civil action, certified mail or in a manner showing proof of receipt.
- 11.5 EHS shall have cause to deny the application or re-application for a permit or to revoke, suspend, or modify a required permit of any person who has:
- A) Failed or refused to comply with the provisions of these or any other statutory provision or rule regulating the operation of a WWTS; or
 - B) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation or purposeful omission.
- 11.6 For the purposes of section 11.5, a person is defined to include:
- A) Property owner/authorized agent, applicant, or permit holder.
 - B) Any individual associated with subsection 11.6 (A) including, but not limited to Board members, officers, managers, partners, association members, agents and third persons acting with the knowledge of such persons.

- 11.7 A person who violates any provision of these regulations is guilty of a misdemeanor and on conviction shall be fined not less than \$10 or more than \$200. Each day of violation constitutes a separate offense (50-2-123, 124, MCA).
- 11.8 See Section 6 for appeal procedures.

SECTION 12 SEVERABILITY AND CONFLICTS

- 12.0 Conflict of Ordinances, Effect on Partial Invalidity: In any case where a provision of this regulation is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or code of Gallatin County, or any municipality within Gallatin County, the provision which, in the opinion of GCCHD, establishes the higher standard for the protection of the health and safety of the people, shall prevail.
- 12.1 If any section, subsection, paragraph, sentence, clause, or phrase of the regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect.

SECTION 13 WASTEWATER DESIGN FLOW

- 13.0 See MDEQ4, Chapter 5

SECTION 14 DESIGN OF SEWERS

- 14.0 See MDEQ4, Chapter 6

SECTION 15 SEPTIC TANKS AND PRIMARY TREATMENT

- 15.0 See MDEQ4, Chapter 7
- 15.1 Grease Traps
- A) Establishments such as restaurants that produce grease exceeding the limits of residential strength wastewater must be provided with grease traps and meet the requirements of MDEQ4, Chapter 5.
 - B) EHS may approve or require the use of other treatment devices or processes in place of a grease trap. Sufficient documentation must be provided that such a device or process produces an effluent that meets or exceeds the parameters of residential strength wastewater.
 - C) Post-construction monitoring of the system effluent may be required to document treatment effectiveness at the establishment being served.
- 15.2 EHS may require monolithic tanks in areas of high groundwater or floodplain concerns.
- 15.3 Septic tanks, grease traps, dosing tanks and pumping chambers being abandoned must be pumped out by a licensed septic tank pumper. The tank may then be removed and disposed of at an approved facility OR filled with sand, gravel or soil and buried in place OR crushed and buried in place

SECTION 16 DISTRIBUTION METHOD AND SYSTEM DESIGN

- 16.0 See MDEQ4, Chapter 9
- 16.1 Dosing or pressure distribution to an absorption system more equally distributes the effluent throughout the system. Dosed systems have been shown to lengthen the "life" of an absorption system and are encouraged for all systems. Dosed systems have also been shown to increase the biological treatment of effluent in the absorption system. For this reason, EHS may require the use of pressure distribution where marginal site conditions exist.

- 16.2 Pressure distribution is required for systems installed in soil types coarser than medium sand or sandy loam. This requirement includes soils with estimated percolation rates of <10 minutes per inch or with application rates greater than or including 0.6 gpd/ft².

SECTION 17

INDIVIDUAL WASTEWATER TREATMENT SYSTEMS

- 17.00 See 17.36.320 to 322 ARM; 17.36.324 to 325 ARM; 17.36.326(1) ARM; 17.36.326(3) ARM; 17.36.326(4), 17.36.327 ARM, MDEQ4 and 17.36.911 ARM et.seq.

17.01 General Considerations:

- A) This section contains explanations, clarifications and instructions to assist installers, SE and PE in the design and installation of individual WWTS.
- 1) The WWTS shall consist of a sewer line from a point two (2) feet outside the foundation wall to the primary treatment device (septic tank) and a sewer line from the primary treatment device (septic tank) to the secondary treatment system (absorption system). Some systems may require the use of dosing chambers and/or other treatment devices between the septic tank and the absorption field.
 - 2) The type of WWTS required is dependent upon the conditions found on the proposed site as well as the quantity and/or strength of the anticipated wastewater flows.
 - 3) WWTS shall not violate the requirements of Section 1.
 - 4) Utilities shall not be laid in the excavations of WWTS.
 - 5) EHS may require suppliers of drain rock, sand, and/or other materials used in WWTS constructed in Gallatin County to obtain PE certification of these materials to insure compliance with state and local regulations.
- B) General Location Requirements.
- 1) Location of WWTS shall be based on size and shape of the lot, soil types, slope of the land, depth to groundwater, depth to bedrock or other limiting layer, proximity to existing and future water supplies, proximity to existing WWTS, proximity to surface water and floodplain, and replacement area.
 - 2) EHS may require that the primary and replacement areas be permanently staked or physically identified prior to any construction activity on the lot.
 - 3) Minimum separation distance for location of the various component parts of the WWTS are shown in 17.36 subchapter 3 ARM, MDEQ4 & 17.36.911 et.seq.
 - 4) Application rates shall be used to size drainfields. See Table 8-1 and 8-2 in MDEQ4.
 - 5) There can be no overlap between drainfield and mixing zones (existing or proposed) and well isolation zones (existing or proposed) either on the same property, adjoining property or proposed by easement.

17.02 Standard Absorption Trenches: See MDEQ4, Chapter 8

- A) Drainfields should not be located in areas subject to livestock impacts or invasive, water-seeking roots from trees and shrubs.
- B) Dispersal areas may be designed as alternating absorption fields. This is accomplished by dividing the dispersal area into two (2) separate fields to allow alternating use. The “resting” of the fields allows the clogging mat to biodegrade and can extend the life of the absorption system. This type of system is useful in soils with slow percolation rates. Pressure distribution may be required for alternating absorption field designs.
- C) Provisions must be made to minimize movement of distribution boxes due to settlement or frost heave. Distribution boxes should either have risers or be marked with iron or suitable, durable marker.

- 17.03 Deep Absorption Trenches: See MDEQ4, Sub-Chapter 10
- 17.04 At-Grade Absorption Trenches: See MDEQ4, Chapter 11
- 17.05 Sand-Lined Absorption Trenches: See MDEQ4, Chapter 12
- 17.06 Gravelless Absorption Trenches: See MDEQ4, Chapter 13
- 17.07 Elevated Sand Mounds: See MDEQ4, Chapter 14
 - A) Horizontal separation distances must be measured from the outside mound where the topsoil meets the natural ground surface. There must be a minimum of 4 feet of naturally occurring soil from the bottom of the absorption trench to seasonally high groundwater, bedrock or other limiting layer.
- 17.08 Intermittent Sand Filter: See MDEQ4, Chapter 15
- 17.09 Recirculating Sand Filters: See MDEQ4, Chapter 16
- 17.10 Recirculating Trickling Filters: See MDEQ4, Chapter 17
 - A) Monitoring requirements may be imposed by EHS if this system is used to address nondegradation issues.
- 17.11 Evapotranspiration-Absorption Systems: See MDEQ4, Chapter 18
- 17.12 Evapotranspiration-Systems: See MDEQ4, Chapter 19
- 17.13 Aerobic Wastewater Treatment Units: See MDEQ4, Chapter 20
- 17.14 Chemical Nutrient-Reduction Systems: See MDEQ4, Chapter 21
- 17.15 Experimental Systems: See MDEQ4, Chapter 22
- 17.16 Absorption Beds: See MDEQ4, Chapter 23 and 17.36.916 ARM
- 17.17 Holding Tanks: See MDEQ4, Chapter 24 and 17.36.916 ARM
- 17.18 Sealed (Vault) Pit Privy: See MDEQ4, Chapter 25
- 17.19 Unsealed Pit Privy: See MDEQ4, Chapter 26 and 17.36.916 ARM: Defined as obsolete and are not allowed in Gallatin County.
- 17.20 Seepage Pits: See MDEQ4, Chapter 27 and 17.36.916 ARM: Defined as obsolete and are not allowed in Gallatin County.
- 17.21 Replacement Systems: See 17.37.911 et.seq. ARM for general requirements.
 - A) Applications for replacement systems must follow the same requirements as outlined in MDEQ4 and these regulations with the following exceptions for failed or failing systems:
 - 1) No additional replacement area must be stipulated. However, EHS recommends that while site work is being done another replacement area be identified.
 - 2) Nondegradation analysis may not be required if no expansion is proposed or the proposed replacement drainfield area is not a significant distance from the failing drainfield.
 - B) Systems to be replaced that are not hydraulically failed, failing, or contaminating are considered alterations (i.e. construction activities and/or site modifications that prompt moving the WWTS) and subject to the fees, regulations and review times associated with new construction. EHS will make this determination.

SECTION 18

COMMERCIAL, MULTIPLE-USER AND PUBLIC WASTEWATER TREATMENT SYSTEMS

- 18.0 General
 - A) In the interest of protecting public health and the quality of groundwater in Gallatin County, the GCCHD attaches a high degree of scrutiny to WWTS that are designed as commercial, multiple-user and/or public systems. Recognizing the potential for greater design flows, changes in property ownership, facility usage and/or wastewater quantity or strength being discharged, the GCCHD has adopted the following requirements for septic permit applications for WWTS serving these developments.

- B) At EHS's discretion, review of larger and/or more complicated systems may be forwarded to MDEQ or an engineering firm under contract. The costs incurred for this review will be the responsibility of the property owner. The property owner may request in writing a cost estimate prior to the review by an outside party. All fees must be submitted prior to the permit being issued.
- C) Appropriate application fees will be required (see fee schedule).

18.1 Commercial Wastewater Treatment Systems

- A) Application for commercial WWTS permits shall be made on department forms.
- B) Plans for commercial WWTS must be approved by EHS and must be designed, inspected and certified in accordance with these regulations.
- C) WWTS design flow estimates and wastewater strength considerations for commercial establishments shall be required.
- D) EHS may require water meters, pump flow/run-time meters or other flow measuring devices to confirm wastewater production estimates. Such devices must be monitored on a regular basis and the results reported to EHS per any stipulations noted on the permit.
- E) Individual or shared commercial WWTS with design flows greater than 700 gallons per day are considered as multiple-user for purposes of design requirements.
- F) A WWTS serving a food establishment is typically considered a public system regardless of whether it serves more or less than 24 people per day for more than 60 days a year.
- G) When a permit application for a commercial system is submitted to the GCCHD, a Commercial Addendum form (available at EHS) must be completed and signed by the owner of the property onto which the WWTS is to be placed. The completed form must be notarized and included with the application. The property owner's signature on the addendum will document permission for EHS to file this form with the parcel in the C & R before final approval will be given.
- H) If there is any doubt that the place of business served by this WWTS will expand to service 25 or more people or if the nature of the business changes to a food establishment consideration must be given to a public WWTS.

18.2 Multiple-User Wastewater Treatment Systems

- A) Application for multiple-user WWTS permits shall be made on department forms.
- B) Plans for multiple-user WWTS must be approved by EHS and must be designed, inspected and certified in accordance with these regulations.
- C) WWTS design flow estimates and wastewater strength considerations for commercial establishments shall be required.
- D) EHS may require water meters, pump flow/run-time meters or other flow measuring devices to confirm wastewater production estimates. Such devices must be monitored on a regular basis and the results reported to EHS per any stipulations noted on the permit.

18.3 Public Wastewater Treatment Systems

- A) A permit issued by EHS is required to construct and operate a public WWTS within Gallatin County. The length of time the EHS permit is valid shall be noted on the permit to construct and shall be in conjunction MDEQ's requirements.
- B) EHS must be notified of any site evaluation to be conducted for the anticipated submittal of a public system design per Section 5 of this regulation. When notified, EHS will issue a confirmation number, which must be noted on the permit application.
- C) Plans for public WWTS shall be reviewed and approved by MDEQ [75-6-102, MCA]. A copy of the site plans, including system layout and flow estimates, must be submitted to the GCCHD at the time submittal to MDEQ is made. GCCHD review will run concurrently with MDEQ. GCCHD is not bound to the thirty (30) calendar day review period.

- D) EHS shall provide written comments from the site evaluation, site plans, system layout and flow estimates to MDEQ and the applicant.
- E) EHS review will concentrate on the site evaluation, the surrounding development and local factors that may influence public health and safety.
- F) When a public WWTS receives approval from MDEQ, a copy of the approval letter and a set of MDEQ-approved plans must be forwarded to the GCCHD. These documents will be required for the local permit application.
- G) Construction of the final dispersal area for a public system shall require an approved installation and operation permit from the GCCHD.
- H) As conditions of the permit, EHS may impose additional requirements upon the public system including, but not limited to;
 - 1) An ongoing Operation and Maintenance contract with a qualified entity.
 - 2) Regular reporting of O&M activities and monitoring results as specified by the public system permit.
 - 3) Monitoring of the quantity and strength of the wastewater being discharged to the final dispersal area for such a period as specified on the permit.
- I) When the final dispersal area of a Public WWTS is being installed, notification shall be given and an appointment scheduled with EHS per Section 7 of these regulations.
- J) Prior to commencing use of a new public WWTS or any portion of a new public system, the property owner/authorized agent shall certify by letter to MDEQ and the GCCHD that the system, or portion of the system constructed to that date, was built in accordance with the approved plans and specifications.
- K) As-builts for the new system or portion of the new system constructed to that date, must be submitted to MDEQ and the GCCHD within 90 days after the system has been placed into use.
- L) For systems designed by a PE, certification that the construction, alteration or extension was completed in accordance with the approved plans and specifications may be required. This certification shall be accompanied by a complete set of “as-built” drawings stamped with the PE’s registration seal and an operation and maintenance manual if applicable.

SECTION 19
LOCAL SUBDIVISION REVIEW

(RESERVED)

HEALTH CODE
CHAPTER 3
ADOPTED BY BOARD OF HEALTH
7/28/2005
FEE SCHEDULE

Permit Fees

A) New	\$150.00 + review fee
B) Replacement.....	\$150.00 + review fee
C) Upgrade/Expansion	\$150.00 + review fee
D) Multiple-User	\$250.00 + review fee
E) Commercial	\$250.00 + review fee
F) Public	\$250.00 + review fee
G) Experimental and Restricted Systems	\$350.00 + review fee
H) Holding Tank	\$350.00 + review fee
I) Septic Tank Only.....	\$100.00

Review Fees

A) Lots Not Requiring Site Evaluation	\$90.00
B) Lots Requiring Site Evaluation	\$180.00

Note: Site evaluations may be required on lots in subdivisions where the Certificate of Subdivision Plat Approval Statement does not specify drainfield sizing or stipulates system type or sizing below current minimum standards.

C) Additional Review Fee (add to appropriate fee listed above).....	\$90.00
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(Intermittent Sand Filters, Elevated Sand Mounds, Recirculating Trickling Filters, and Evapotranspiration-Absorption Systems)

D) Permit Modifications or Additions	\$90.00
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Note: For permits that have been issued but the system has not been installed or for permits requiring modification at time of system certification. Includes review of commercial addendums for existing permits, If new soils information and/or nondegradation analysis is required the fee will be \$180.00.

Variance Fees

A) First Variance Request

1) Replacement System \$150.00

2) New Construction/Expansion \$240.00

B) Each Additional Variance Request

1) Replacement System \$60.00

2) New Construction/Expansion \$60.00

Re-inspection Fee \$90.00

Site Visit \$90.00

(Consultation Requested by Property Owner/Authorized Agent)

Fee based upon 1.5 hour/visit @ \$60.00 base rate. For each additional hour base rate will apply.

Registration of Competency

A) Installer Registration Exam..... \$150.00

B) Site Evaluator Registration Exam \$200.00

C) Registration Renewal \$50.00

Note: Only applicable when no modifications to state or local regulations have occurred.

Homeowner Installation Exam \$60.00

Office Consultation Fee/Service Fee..... \$30.00/½ hour

Note: One-half hour minimum. Based upon \$60.00/hr. base rate of services and assessed in one-half hour increments.